

1 Keith Beauchamp (012434)  
2 D. Andrew Gaona (028414)  
COPPERSMITH BROCKELMAN PLC  
2800 N. Central Avenue, Suite 1900  
3 Phoenix, AZ 85004  
Telephone: (602) 381-5490  
4 kbeauchamp@cblawyers.com  
agaona@cblawyers.com  
5 *Counsel for A.P.F. Plaintiffs (Additional Counsel Listed on Signature Page)*

6  
7 David B. Rosenbaum (009819)  
Travis C. Hunt (035491)  
8 BriAnne N. Illich Meeds (036094)  
OSBORN MALEDON, P.A.  
9 2929 North Central Avenue, 21st Floor  
Phoenix, Arizona 85012-2793  
(602) 640-9000  
10 drosenbaum@omlaw.com  
thunt@omlaw.com  
billichmeeds@omlaw.com  
11 *Counsel for C.M. Plaintiffs (Additional Counsel Listed on Signature Page)*

12  
13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF ARIZONA**

15 A.P.F. on his own behalf and on behalf of his  
minor child, O.B.; J.V.S., on his own behalf  
16 and on behalf of his minor child H.Y.; J.D.G.  
on his own behalf and on behalf of his minor  
child, M.G.; H.P.M. on his own behalf and on  
behalf of his minor child, A.D.; M.C.L. on his  
17 own behalf and on behalf of his minor child,  
A.J.; and R.Z.G. on his own behalf and on  
18 behalf of his minor child, B.P.,

19 No. CV-20-00065-PHX-SRB

20 Plaintiffs,  
21 v.  
22 United States of America,  
23 Defendant.

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**NOTICE OF DEPOSITION  
UNDER FED. R. CIV. P. 30(b)(6)**

1 C.M. on her own behalf and on behalf of her  
2 minor child, B.M.; L.G., on her own behalf  
3 and on behalf of her minor child, B.G.; M.R.,  
4 on her own behalf and on behalf of her minor  
child, J.R.; O.A., on her own behalf and on  
behalf of her minor child, L.A.; and V.C., on  
her own behalf and on behalf of her minor  
child, G.A.,

No. CV-19-05217-PHX-SRB

5 Plaintiffs,

6 v.

7 United States of America,

8 Defendant.  
9

10 Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiffs, by  
11 and through undersigned counsel, hereby give notice of the following deposition before  
12 an officer authorized by law to administer oaths:

13 **DEPONENT:** **U.S. Attorney's Office for the District of**  
14 **Arizona**

15 **PLACE OF DEPOSITION:** **Remote**

16 **DATE OF DEPOSITION:** **July 11, 2022 at 11:00 am ET**

17 The deposition shall be recorded by audiovisual and stenographic means.  
18 Defendant shall designate one or more of its officers, directors, agents, or other persons  
19 who consent to testify on its behalf about the topics set forth in the attached Exhibit A.

20 Plaintiffs request that Defendant provide Plaintiffs' counsel via email, no later  
21 than five business days prior to the deposition, with the name(s) of the person(s) who  
22 will testify on its behalf concerning the topics specified in the attached Exhibit A and  
23 the particular topics about which each named person will testify.

24  
25 Respectfully submitted this 24th day of June, 2022.

26 OSBORN MALEDON, P.A.

27 By s/ Travis C. Hunt

Travis C. Hunt

David B. Rosenbaum

1 BriAnne N. Illich Meeds

2 ARNOLD & PORTER KAYE SCHOLER  
3 LLP

4 Sean Morris\*  
5 777 South Figueroa Street  
6 Los Angeles, CA 90017-5844  
7 sean.morris@arnoldporter.com

8 ARNOLD & PORTER KAYE SCHOLER  
9 LLP

10 Diana Reiter\*  
11 Erik Walsh\*  
12 Lucy McMillan\*  
13 250 West 55th Street  
14 New York, NY 10019-9710  
15 Telephone: (212) 836-8000  
16 diana.reiter@arnoldporter.com  
erik.walsh@arnoldporter.com  
lucy.mcmillan@arnoldporter.com

17 ARNOLD & PORTER KAYE SCHOLER  
18 LLP

19 R. Stanton Jones\*  
20 Emily Reeder-Ricchetti\*  
21 601 Massachusetts Avenue, NW  
22 Washington, DC 20001  
23 Telephone: (202) 942-5000  
24 stanton.jones@arnoldporter.com  
emily.reeder-ricchetti@arnoldporter.com

25 KAIRYS, RUDOFSKY, MESSING,  
26 FEINBERG & LIN LLP

27 Jonathan H. Feinberg\*  
The Cast Iron Building  
718 Arch Street, Suite 501 South  
Philadelphia, PA 19106  
Telephone: (215) 925-4400  
jfeinberg@krlawphila.com

28 NATIONAL IMMIGRANT JUSTICE  
CENTER

Mark Fleming\*  
224 S. Michigan Ave., Suite 600  
Chicago, IL 60604  
Telephone: (312) 660-1370  
mfleming@heartlandalliance.org

AMERICAN IMMIGRATION COUNCIL

Trina Realmuto\*  
Mary Kenney\*  
10 Griggs Terrace  
Brookline, MA 02446  
Telephone: (617) 819-34447

[trealmuto@immcouncil.org](mailto:trealmuto@immcouncil.org)  
[mkenney@immcouncil.org](mailto:mkenney@immcouncil.org)

AMERICAN IMMIGRATION COUNCIL  
Katherine Melloy Goettel\*  
Emma Winger\*  
Gianna Borroto\*  
1331 G Street NW, Suite 200  
Washington, DC 20005  
Telephone: (202) 507-7512  
Telephone: (202) 742-5619  
[kgoettel@immcouncil.org](mailto:kgoettel@immcouncil.org)  
[ewinger@immcouncil.org](mailto:ewinger@immcouncil.org)  
[gborroto@immcouncil.org](mailto:gborroto@immcouncil.org)

*Attorneys for Plaintiffs C.M. et al.  
\* Admitted pro hac vice*

COPPERSMITH BROCKELMAN PLC  
Keith Beauchamp  
D. Andrew Gaona

COVINGTON & BURLING LLP  
Matthew J. Schlesinger\*  
Jason A. Carey\*  
Jennifer L. Saulino\*  
Terra White Fulham\*  
Teresa S. Park\*  
Kristin M. Cobb\*  
Shadman Zaman\*  
One City Center, 850 Tenth Street,  
Washington, DC 20001-4956  
Telephone: (202) 662-5581  
[mschlesinger@cov.com](mailto:mschlesinger@cov.com)  
[jcarey@cov.com](mailto:jcarey@cov.com)  
[jsaulino@cov.com](mailto:jsaulino@cov.com)  
[tfulham@cov.com](mailto:tfulham@cov.com)  
[tpark@cov.com](mailto:tpark@cov.com)  
[kcobb@cov.com](mailto:kcobb@cov.com)  
[szaman@cov.com](mailto:szaman@cov.com)

SOUTHERN POVERTY LAW CENTER  
Norma Ventura\*  
James Knoepp\*  
Sharada Jambulapati\*  
P.O. Box 1287  
Decatur, GA 30031  
Telephone: (404) 521-6700  
[norma.ventura@splcenter.org](mailto:norma.ventura@splcenter.org)  
[jim.knoepp@splcenter.org](mailto:jim.knoepp@splcenter.org)  
[sharada.jambulapati@splcenter.org](mailto:sharada.jambulapati@splcenter.org)

1 SOUTHERN POVERTY LAW CENTER  
2

3 Paul R. Chavez\*

4 P.O. Box 370037

5 Miami, FL 33137

6 Telephone: (786) 347-2056

7 paul.chavez@splcenter.org

8 *Attorneys for Plaintiffs A.P.F. et al.*

9 \* *Admitted pro hac vice*

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## **EXHIBIT A**

### **DEFINITIONS**

1. **AZ USAO.** The term “AZ USAO” refers to the United States Attorney’s Office for the District of Arizona and includes all offices, departments, bureaus, divisions, officials, agents, employees, entities, or contractors of the United States Attorney’s Office for the District of Arizona.

**2. Communication.** The term “Communication” means all written, oral, telephonic or other inquiries, dialogues, discussions, conversations, interviews, correspondence, consultations, negotiations, agreements, understandings, meetings, letters, notes, telegrams, advertisements, Emails and all other Documents evidencing any verbal or nonverbal interaction between or among persons and/or entities.

3.     **Document.** The term “Document” includes all items listed in Rule 34(a)(1)(A) and (B) of the Federal Rules of Civil Procedure, including any electronically stored information (including Emails) or tangible thing, however produced or reproduced, and each and every electronic source or tangible or intangible thing from which information can be processed or transcribed. “Document” shall include both hard copy and electronic documents. A draft or non-identical copy is a separate Document within the meaning of this term.

4. **Email.** The term “Email” means any message found in an Email repository, including, but not limited to, Outlook PST and Lotus NSF.

5. **Plaintiffs.** The term “Plaintiff(s)” refers to the named Plaintiffs in *A.P.F., et al. v. United States*, Case No. CV-20-00065-PHX-SRB (D. Ariz.), and *C.M., et al. v. United States*, Case No. CV-19-052170-PHX-SRB (D. Ariz.).

6. **Adult Plaintiffs.** The term “Adult Plaintiffs” refers to A.P.F., J.V.S., J.D.G., H.P.M., four of the named adult Plaintiffs in *A.P.F., et al. v. United States*, and C.M., L.G., M.R., O.A., and V.C., the named adult Plaintiffs in *C.M., et al. v. United States*.

7. **USBP.** The term “USBP” refers to the U.S. Border Patrol and includes all offices, departments, bureaus, divisions, officials, agents, employees, entities, or contractors of the U.S. Border Patrol.

## INSTRUCTIONS

All of the requirements set forth in the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Arizona apply to this deposition subpoena.

1. In responding to these Topics, You are required to furnish all information that is available to You or subject to Your reasonable inquiry, including information in the possession of Your attorneys, accountants, advisors, representatives, agents, or other persons directly or indirectly employed by, or connected with, You or Your attorneys, and anyone else otherwise subject to Your control.

2. The terms "all," "any," and "each" shall each be construed as encompassing any and all.

3. The term "including" means "including, but not limited to," and shall be construed inclusively rather than exclusively so as to bring within the scope of the request all responses that might otherwise be construed to be outside of its scope.

1       4. The connectives “and” and “or” shall be construed either disjunctively or  
2 conjunctively as necessary to bring within the scope of the request all responses that  
3 might otherwise be construed to be outside of its scope.  
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5       5. The use of the singular form of any word includes the plural and vice  
6 versa.

7       6. All names with one or more accent marks include those same names  
8 without accent marks and vice versa.  
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## **DEPOSITION TOPICS**

1. Whether the Adult Plaintiffs were referred by USBP to the AZ USAO for prosecution in or around May 2018.

5           2. The reason or reasons why the AZ USAO did not prosecute Adult  
6 Plaintiffs in or around May 2018.

3. All Documents and/or Communications reviewed by the AZ USAO in connection with the decision not to prosecute each Adult Plaintiff.

4. Any communications between the AZ USAO and USBP regarding or referring to the Adult Plaintiffs.

5. The identity or identities of the person(s) in the AZ USAO who made the final decision not to prosecute each Adult Plaintiff, the date and time when each decision was made, and the date and time each decision was communicated to USBP.

6. Any policies, practices, procedures, directives, guidelines, or other instruction provided to anyone within the AZ USAO that impacted or informed the decision not to prosecute each Adult Plaintiff.

7. Any changes or revisions to policies, practices, procedures, directives, guidelines, or other instruction referenced in ¶ 6 made in May or June 2018

8. Any trainings, directives, guidelines, instructions, complaints and/or concerns communicated by AZ USAO to the USBP's Yuma Sector personnel between January 1, 2017, and June 30, 2018, regarding the referral of cases for prosecutions under 8 U.S.C. § 1325.